

REMARKS

Claims 4, 5, and 9 have been canceled. Claims 3, 6-8, 10, and 11, and amended claims 1, 2, 12, and 13 are in this application.

Claims 1 and 12 were rejected under 35 U.S.C. 102(e) as being anticipated by Aggarwal et al. (U.S. 6,477,180).

Amended independent claim 1 recites in part the following:

"assigning means for adjusting a bandwidth and a transmission time necessary for delivering the content and for assigning the bandwidth and the transmission time to the reserved delivery resource;

. . . .

wherein the transmission time includes information indicative of a start time and an end time for delivering the content."
(Emphasis added.)

Accordingly, the apparatus of claim 1 includes assigning means for adjusting a transmission time wherein the transmission time includes information indicative of a start time and an end time for delivering the content.

In explaining the above 102 rejection of claim 1, the Examiner appears to assert that lines 10-16, 25-45, and 46-62 of column 2 and lines 45-65 of column 9 of Aggarwal disclose the assigning means of claim 1. It is respectfully submitted that such portions of Aggarwal (hereinafter, merely "Aggarwal") do not specifically disclose "means for adjusting . . . a transmission time" wherein the transmission time "includes information indicative of a start time and an end time for delivering the content" as in claim 1. Although Aggarwal describes a scheduler 12 which apparently can schedule a

delivery of an object or objects, such scheduler 12 does not appear to be able to adjust the transmission time.

Accordingly, it is respectfully submitted that independent claim 1 is distinguishable from Aggarwal. For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claim 12 is distinguishable from Aggarwal.

Claims 2, 3, 6-8, 10, 11, and 13¹ were rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaba et al. (U.S. 6,510,556), in view of Weber et al. (U.S. 6,330,225) and Kobayashi et al. (U.S. 6,473,096).

Amended independent claim 2 recites in part the following:

"assignment means for calculating a bandwidth and a transmission time necessary for delivering the selected content by shaping the area,

. . . .

wherein the transmission time includes information indicative of a start time and an end time for delivering the content, and

wherein the assignment means includes means for enabling the transmission time to be adjusted." (Emphasis added.)

Accordingly, in the apparatus of claim 2, the assignment means includes means for enabling the transmission time to be adjusted, wherein the transmission time includes information indicative of a start time and an end time for delivering the content.

¹ Although in paragraph 9 of the present Office Action the Examiner did not indicate that claim 11 was rejected, the Examiner appears to indicate in paragraph 17 of the present Office Action that claim 11 was to have been included.

In explaining the above 103 rejection of claim 2, the Examiner appears to assert that lines 23-32 of column 4, lines 23-30 of column 5, and figures 4C-F of Kusaba disclose the assigning means of claim 2 with regard to the transmission time. It is respectfully submitted that such portions of Kusaba do not specifically disclose "means for enabling the transmission time to be adjusted" wherein the transmission time "includes information indicative of a start time and an end time for delivering the content" as in claim 2. Although Figure 4C of Kusaba illustrates a start time input column 423, such element does not appear to be able to adjust the transmission time.

Accordingly, it is respectfully submitted that the portions of Kusaba relied upon by the Examiner (hereinafter, merely "Kusaba") do not specifically disclose "means for enabling the transmission time to be adjusted" as in claim 2. As such, it is respectfully submitted that independent claim 2 is distinguishable from the applied combination of Kusaba, Weber et al., and Kobayashi et al.

For reasons similar to those previously described with regard to claim 2, it is also respectfully submitted that amended independent claim 13 is distinguishable from the applied combination of Kusaba, Weber et al., and Kobayashi et al.

Claims 3, 6-8, 10, and 11 are dependent from amended independent claim 2. Accordingly, it is also respectfully submitted that dependent claims 3, 6-8, 10, and 11 are distinguishable from the applied combination of Kusaba, Weber et al., and Kobayashi et al. for at least the reasons previously described.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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